

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
BOSTON
HOUSTON
LOS ANGELES
HANOI
HO CHI MINH CITY
ATLANTA

Duane Morris®

FIRM and AFFILIATE OFFICES

SUSAN V. METCALFE
PERSONAL FAX: +1 215 689 1927
E-MAIL: svmetcalfe@duanemorris.com

www.duanemorris.com

BALTIMORE
WILMINGTON
MIAMI
BOCA RATON
PITTSBURGH
NEWARK
LAS VEGAS
CHERRY HILL
LAKE TAHOE
MYANMAR
OMAN
A GCC REPRESENTATIVE OFFICE
OF DUANE MORRIS

MEXICO CITY
ALLIANCE WITH
MIRANDA & ESTAVILLO

January 13, 2014

VIA CM/ECF AND FACSIMILE

Hon. Joel Schneider, U.S.M.J.
United States District Court, District of New Jersey
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, NJ 08101

Re: Younes and Atalla v. 7-Eleven, Inc.
Case No.: 13-cv-04578 (RMB) (JS)

Dear Judge Schneider:

This firm represents the defendant, 7-Eleven, Inc. ("7-Eleven"), in the above-referenced matter. I write to respond to the Notice of Motion to Compel Discovery Responses that Plaintiffs filed on January 9, 2014 ("Motion to Compel").

We expect to provide, no later than this Wednesday, January 15, 2014, full responses to Plaintiffs' Interrogatories and Requests for Production of Documents which are the subject of Plaintiffs' Motion to Compel. Final drafts of 7-Eleven's written responses have been prepared, and we await only final approval from our client. We will produce therewith thousands of pages of responsive documents; however, given the breadth of Plaintiffs' requests--necessitating an in-depth search for information and documents from multiple departments within 7-Eleven and from third-party vendors--, we anticipate that it may be necessary to supplement this production as additional responsive documents are located. We believe that a full and final document production can be accomplished by January 31, 2014. We submit that this will in no way prejudice Plaintiffs or interfere with the deadline for the completion of fact discovery, which is currently set for May 30, 2014.

DUANE MORRIS LLP

30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196

PHONE: +1 215 979 1000 FAX: +1 215 979 1020

Duane Morris

Hon. Joel Schneider
January 13, 2014
Page 2

By way of background, Plaintiffs served 7-Eleven with Interrogatories and Requests for the Production of Documents on November 6, 2014. Prior to the deadline for responding thereto, I conferred with Plaintiffs' counsel, Stephen Angstreich, Esquire, to request a two-week extension to respond, which Mr. Angstreich granted. I do not believe that either of us were cognizant at that time of the Court's October 30, 2013 Consent Scheduling Order. Certainly, if I had been, I would have suggested that we contact the Court to seek modification thereof. The October 30, 2013 Consent Scheduling Order was filed at the request of Plaintiffs, who were seeking a thirty-day extension of their deadline to 7-Eleven's October 7, 2013 discovery requests.

As above noted, Plaintiffs' discovery requests are extremely broad and seek voluminous documents and information from multiple departments within 7-Eleven, as well as from certain third-party vendors. As such, I was forced to seek additional time to respond, which Mr. Angstreich was willing to grant, subject to the entry of a new consent order. At that time, I suggested that perhaps the discovery deadlines should be modified altogether to coincide with *Naik et al. v. 7-Eleven, Inc.*, which case is consolidated with *Younes and Atalla v. 7-Eleven, Inc.* This discussion prompted Mr. Angstreich's December 19, 2013 letter, and the Court's Text Order issued later that same day, which reads:

TEXT ORDER -- The Court having received plaintiffs' December 19, 2013 letter application; and this Order intending to clarify the Court's position regarding discovery under this docket number; and good cause existing to enter this Order, it is hereby ORDERED that discovery is NOT stayed. All present scheduling deadlines shall remain in place unless otherwise Ordered by the Court. The Court should be contacted if the parties still want to arrange a conference call on December 23, 2013. Ordered by Magistrate Judge Joel Schneider on 12/19/13. (Schneider, Joel)

Mr. Angstreich and I had no further communications on the subject, and he did not seek assistance from the Court pursuant to Local Rule 37.1(a)(1) prior to filing his motion. Given these circumstances, Defendant respectfully requests that Plaintiffs' Motion to Compel be denied, and that the deadline for Defendant's responses to Plaintiffs' discovery requests be extended to January 31, 2014.

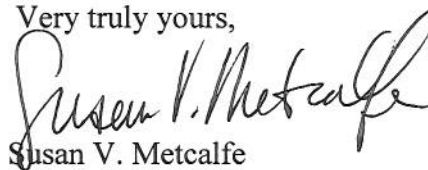
The current scheduling order, dated October 30, 2013, calls for fact discovery to be concluded by May 30, 2014. Plaintiffs' expert reports are due by June 30, 2014, and Defendant's expert reports are due by July 31, 2014. Accordingly, we do not believe the timing of Defendant's responses to Plaintiffs' discovery requests necessitates any modification of the case management deadlines. However, Defendant respectfully submits that any depositions of 7-Eleven personnel that overlap with the consolidated case of *Naik v. 7-Eleven, Inc.* should be

Duane Morris

Hon. Joel Schneider
January 13, 2014
Page 3

coordinated. As the Court is aware, Judge Bumb ordered that the *Naik* and *Younes* cases be consolidated for discovery and pre-trial purposes. As *Naik* is the subject of a pending Motion to Dismiss pursuant to Rule 12(b)(6), which has been fully briefed and is set for argument on January 30, 2014 (to be followed immediately by a status conference before your Honor), such coordination of overlapping depositions--should the Court agree with Defendant's request--, may necessitate a modest modification to the current case management deadlines.

Very truly yours,

A handwritten signature in black ink, appearing to read "Susan V. Metcalfe", written in a cursive style.

Susan V. Metcalfe

SVM:roh

cc: Stephen E. Angstreich, Esquire (via ECF)